

SENATE JOURNAL

OF THE

IDAHO LEGISLATURE

FIRST REGULAR SESSION
SIXTIETH LEGISLATURE

ONE HUNDRED FIRST LEGISLATIVE DAY
WEDNESDAY, APRIL 22, 2009

Senate Chamber

President Pro Tempore Geddes called the Senate to order at 9:30 a.m.

Roll call showed all members present except Senator LeFavour and Acting Senator Thorson, absent and formally excused by the Chair; and Senators Andreason, Hill, McKenzie, Pearce, and Siddoway, absent and excused.

Prayer was offered by Chaplain Henry Webb.

The Pledge of Allegiance was led by Darcie Wonacott, Page.

The Senate advanced to the Third Order of Business.

Reading and Correction of the Journal

The JUDICIARY AND RULES Committee reports that the Senate Journal of the proceedings of April 21, 2009, was read and approved as corrected.

DARRINGTON, Chairman

There being no objection, the report was adopted and ordered filed in the office of the Secretary of the Senate.

On request by Senator Stegner, granted by unanimous consent, the Senate advanced to the Sixth Order of Business.

Reports of Standing Committees

April 21, 2009

The JUDICIARY AND RULES Committee reports that [S 1221](#) and [SCR 112](#) have been correctly enrolled.

DARRINGTON, Chairman

The President Pro Tempore signed Enrolled [S 1221](#) and [SCR 112](#) and ordered them transmitted to the House for the signature of the Speaker.

April 21, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [S 1207](#), [S 1208](#), [S 1209](#), [S 1210](#), [S 1211](#), [S 1212](#), [S 1217](#), [S 1218](#), [S 1219](#), and [S 1220](#) were delivered to the Office of the Governor at 4:25 p.m., April 21, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

April 21, 2009

The JUDICIARY AND RULES Committee reports that Enrolled [SCR 111](#) was delivered to the Office of the Secretary of State at 4:17 p.m., April 21, 2009.

DARRINGTON, Chairman

The report was ordered filed in the office of the Secretary of the Senate.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Twelfth Order of Business.

Second Reading of Bills

[S 1226](#), by Finance Committee, was read the second time at length and filed for third reading.

[H 303](#), as amended in the Senate, by Ways and Means Committee, was read the second time at length and filed for third reading.

The Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senators Andreason, LeFavour, Hill, Pearce, and McKenzie were recorded present at this order of business.

[H 314](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 314](#) passed, title was approved, and the bill ordered returned to the House.

[H 315](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 315](#) passed, title was approved, and the bill ordered returned to the House.

[H 319](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 319](#) passed, title was approved, and the bill ordered returned to the House.

[H 320](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Broadsword arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 320](#) passed, title was approved, and the bill ordered returned to the House.

[H 322](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Pursuant to Senate Rule 39(H), Senator Smyser disclosed a possible conflict of interest under applicable law.

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Smyser, Stegner, Winder. Total - 27.

NAYS—Bock, Kelly, LeFavour, Sagness (Malepeai), Schroeder, Werk. Total - 6.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 322](#) passed, title was approved, and the bill ordered returned to the House.

[H 316](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 316](#) passed, title was approved, and the bill ordered returned to the House.

[H 317](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 317](#) passed, title was approved, and the bill ordered returned to the House.

[H 318](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 318](#) passed, title was approved, and the bill ordered returned to the House.

[H 321](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator LeFavour arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Smyser, Stegner, Werk, Winder. Total - 33.

NAYS—None.

Absent and excused—Siddoway, Thorson (Stennett). Total - 2.

Total - 35.

Whereupon the President Pro Tempore declared [H 321](#) passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Eighth Order of Business.

Messages from the Governor

Senator Siddoway was recorded present at this order of business.

April 21, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I am returning to you, without my approval, disapproved and vetoed, the following Senate Bills, to wit:

[S 1187](#) and [S 1191](#)

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 2:33 p.m. on April 17, 2009.

I have no problem with these bills. At some point they will merit positive consideration. However, consistent with my desire to provide you with the time to substantively address our need for an ongoing source of transportation revenue, I am vetoing these bills today and will continue vetoing appropriations bills until an adequate transportation bill is approved by the Legislature and delivered for my consideration.

I still do not intend to call a special session of the Legislature because I am not going to let this session end until this legitimate and proper role of government is addressed in the manner it deserves.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

Senator Davis requested unanimous consent that [S 1187](#) and [S 1191](#) be recommitted to the Finance Committee. Senator Kelly objected.

Moved by Senator Davis, seconded by Senator Cameron, that [S 1187](#) and [S 1191](#) be laid upon the table. Senator Werk requested a ruling from the President Pro Tempore insofar as the validity of the motion to lay on the table.

The President Pro Tempore ruled that the motion before the Senate to lay [S 1187](#) and [S 1191](#) on the table is in order and that the motion has been properly moved and properly seconded.

The question being, "Shall the motion prevail to lay [S 1187](#) and [S 1191](#) on the table?" The President Pro Tempore announced that by voice vote the motion did prevail and the bills were laid on the table.

April 21, 2009

The Honorable Brad Little
President of the Senate
Idaho Legislature

Dear Mr. President:

I hereby advise you that I am returning to you, without my approval, disapproved and vetoed, the following Senate Bills, to wit:

[S 1192](#), [S 1194](#), [S 1195](#), [S 1197](#), [S 1198](#), [S 1201](#), [S 1202](#),
[S 1203](#), [S 1205](#), and [S 1206](#)

within the time limited by law, the same having arrived in the Office of the Governor at the hour of 2:55 p.m. on April 20, 2009.

I have no problem with these bills. At some point they will merit positive consideration. However, consistent with my desire to provide you with the time to substantively address our need for an ongoing source of transportation revenue, I am vetoing these bills today and will continue vetoing appropriations bills until an adequate transportation bill is approved by the Legislature and delivered for my consideration.

I still do not intend to call a special session of the Legislature because I am not going to let this session end until this legitimate and proper role of government is addressed in the manner it deserves.

As Always - Idaho, *Esto Perpetua*
/s/ C.L. "Butch" Otter
Governor of Idaho

Senator Davis requested unanimous consent that [S 1192](#), [S 1194](#), [S 1195](#), [S 1197](#), [S 1198](#), [S 1201](#), [S 1202](#), [S 1203](#), [S 1205](#), and [S 1206](#) be recommitted to the Finance Committee. Senator Kelly objected.

Moved by Senator Davis, seconded by Senator Cameron, that [S 1192](#), [S 1194](#), [S 1195](#), [S 1197](#), [S 1198](#), [S 1201](#), [S 1202](#), [S 1203](#), [S 1205](#), and [S 1206](#) be laid on the table. The question being, "Shall the motion prevail?"

Roll call vote was requested by Senators Kelly, Werk, and Bilyeu.

Roll call resulted as follows:

AYES—Andreason, Bair, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Keough, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Schroeder, Siddoway, Smyser, Stegner, Winder. Total - 28.

NAYS—Bilyeu, Bock, Kelly, LeFavour, Sagness (Malepeai), Werk. Total - 6.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

The President Pro Tempore declared that the motion did prevail and the bills were laid on the table.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1226](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1226](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Mortimer arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1226](#) passed, title was approved, and the bill ordered transmitted to the House.

The Senate considered the Consent Calendar at this time.

[H 195](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Kelly arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 195](#) passed, title was approved, and the bill ordered returned to the House.

[H 198](#), as amended, was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Stegner arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [H 198](#), as amended, passed, title was approved, and the bill ordered returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

On motion by Senator Davis, seconded by Senator Kelly, by voice vote the Senate recessed at 11:45 a.m. until the hour of 1:30 p.m. of this day.

RECESS

AFTERNOON SESSION

The Senate reconvened at 1:30 p.m., pursuant to recess, President Pro Tempore Geddes presiding.

Roll call showed all members present except Acting Senator Thorson, absent and formally excused by the Chair; and Senators Hill, Lodge, and Pearce, absent and excused.

Prior to recess the Senate was at the Sixth Order of Business, Reports of Standing Committees.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Ninth Order of Business.

Messages from the House

April 22, 2009

Dear Mr. President:

I return herewith [S 1133](#) and [S 1184](#), which have passed the House.

ALEXANDER, Chief Clerk

[S 1133](#) and [S 1184](#) were referred to the Judiciary and Rules Committee for enrolling.

April 22, 2009

Dear Mr. President:

I transmit herewith Enrolled [H 178](#), as amended, [H 312](#), and [H 313](#) for the signature of the President.

ALEXANDER, Chief Clerk

The President Pro Tempore signed Enrolled [H 178](#), as amended, [H 312](#), and [H 313](#) and ordered them returned to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Eleventh Order of Business.

**Introduction, First Reading, and Reference of Bills,
House Petitions, Resolutions, and Memorials**

April 22, 2009

S 1228

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE IDAHO STATE POLICE FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1229

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE PUBLIC UTILITIES COMMISSION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; DIRECTING COMMISSIONER SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1230

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS FOR THE OFFICE OF THE STATE BOARD OF EDUCATION FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

S 1231

BY FINANCE COMMITTEE

AN ACT

APPROPRIATING MONEYS TO THE OFFICE OF THE GOVERNOR FOR THE OFFICE OF ENERGY RESOURCES FOR FISCAL YEAR 2010; LIMITING THE NUMBER OF AUTHORIZED FULL-TIME EQUIVALENT POSITIONS; PROVIDING LEGISLATIVE INTENT ON PERSONNEL COSTS; DIRECTING SALARY REDUCTIONS; AND DECLARING AN EMERGENCY.

[S 1228](#), [S 1229](#), [S 1230](#), and [S 1231](#) were introduced, read the first time at length, and referred to the Judiciary and Rules Committee for printing.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Sixth Order of Business.

Reports of Standing Committees

April 22, 2009

The JUDICIARY AND RULES Committee reports that [S 1228](#), [S 1229](#), [S 1230](#), and [S 1231](#) have been correctly printed.

DARRINGTON, Chairman

[S 1228](#), [S 1229](#), [S 1230](#), and [S 1231](#) were referred to the Finance Committee.

Senators Hill and Pearce were recorded present at this order of business.

The FINANCE Committee reports out [S 1228](#), [S 1229](#), [S 1230](#), and [S 1231](#) with the recommendation that they do pass.

CAMERON, Chairman

[S 1228](#), [S 1229](#), [S 1230](#), and [S 1231](#) were filed for second reading.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Thirteenth Order of Business.

Third Reading of Bills

Senator Lodge was recorded present at this order of business.

[S 1224](#) was read the third time at length, section by section, and placed before the Senate for final consideration. Senator Keough arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President declared [S 1224](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate returned to the Twelfth Order of Business.

Second Reading of Bills

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1229](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1229](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Bair arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1229](#) passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1230](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1230](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Hammond arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, LeFavour, Lodge, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Siddoway, Smyser, Stegner, Werk, Winder. Total - 30.

NAYS—Geddes, Schroeder. Total - 2.

Absent and excused—Keough, McGee, Thorson (Stennett). Total - 3.

Total - 35.

Whereupon the President Pro Tempore declared [S 1230](#) passed, title was approved, and the bill ordered transmitted to the House.

Suspension of Rules

On request by Senator Davis, granted by unanimous consent, all rules of the Senate interfering with the immediate passage of [S 1231](#) were suspended, and the portions of Section 15, Article 3, of the Constitution of the State of Idaho requiring all bills to be read on three several days were dispensed with, this being a case of urgency.

[S 1231](#) was read the second time by title and the third time at length, section by section, and placed before the Senate for final consideration. Senator Brackett arose as sponsor of the bill and opened the debate. The question being, "Shall the bill pass?"

Roll call resulted as follows:

AYES—Andreason, Bair, Bilyeu, Bock, Brackett, Broadsword, Cameron, Coiner, Corder, Darrington, Davis, Fulcher, Geddes, Goedde, Hammond, Heinrich, Hill, Jorgenson, Kelly, Keough, LeFavour, Lodge, McGee, McKague, McKenzie, Mortimer, Pearce, Sagness (Malepeai), Schroeder, Siddoway, Smyser, Stegner, Werk, Winder. Total - 34.

NAYS—None.

Absent and excused—Thorson (Stennett). Total - 1.

Total - 35.

Whereupon the President Pro Tempore declared [S 1231](#) passed, title was approved, and the bill ordered transmitted to the House.

On request by Senator Davis, granted by unanimous consent, the Senate advanced to the Fifteenth Order of Business.

On request by Senator Kelly, granted by unanimous consent, the following Letter of Protest submitted by Minority Leadership was spread upon the pages of Journal:

April 22, 2009

SIXTIETH IDAHO LEGISLATURE

FIRST REGULAR SESSION 2009

PROTEST

OBJECTING TO THE PRESIDENT'S FAILURE TO PUT

VETOED BILLS BEFORE THE SENATE FOR RECONSIDERATION

Pursuant to Rule 44, Rules of the Senate we, the undersigned Senators, do respectfully submit this protest objecting to the President's failure to put certain bills vetoed by the Governor before the Senate for reconsideration. We submit this Protest in reliance on the provisions of Article 4, Section 10 of the Idaho Constitution and Rule 16 of the Senate Rules, and the following facts and conclusions:

Article 4, Section 10 of the Idaho Constitution mandates that if the Governor vetoes a bill passed by the Legislature he shall return it with his objections to the house in which it originated, which house shall enter the objections at large upon its journals *and proceed to reconsider the bill.* [emphasis added]

Rule 16 of the Rules of the Idaho Senate provides: When a bill has been vetoed by the Governor and his objections entered upon the Journal, that bill is before the Senate for reconsideration in accordance with Article 4, Section 10, Idaho Constitution and that *"the question to be put by the Chair is, 'Shall Senate Bill ___ pass, the Governors veto notwithstanding?'"* [emphasis added] Pursuant to Rule 16, once the question of reconsideration has been stated, it shall be in order for the President to receive seven listed motions in the order named. A motion to lay on the table is not among the seven motions listed.

On April 22, 2009, in the Eighth Order of Business, the Secretary of the Idaho Senate read and entered into the record of the Senate Journal two messages from the Governor dated April 21, 2009 and disapproving and vetoing a total of twelve Senate appropriation bills which had been transmitted to the Governor after the bills were passed by both houses of the Legislature.

Rather than putting the question of reconsideration of the vetoed bills before the Senate as required by the Idaho Constitution and Rule 16 of the Rules of the Idaho Senate, subsequent to the entering of the Governor's objections into the record of the Senate Journal, the President received the motion of the Majority Leader to lay the vetoed bills on the table and, over the objection of the Minority Leader, the motion was put to vote. With a majority of the Senators voting in support of the motion, the President ordered the bills tabled. At no time after the Governor's objections were read into the record was the question put to the Senate of whether the vetoed bills should pass, the Governor's veto notwithstanding.

WHEREAS, the Idaho Constitution and the Rules of the Idaho Senate mandate that the members of the Senate be given the opportunity to vote on reconsideration, and to override by vote of two-thirds of the members present, the Governor's veto

of Senate bills once those bills are returned to the Senate by the Governor.

WHEREAS, the members of the Senate have been denied an opportunity for reconsideration, and the potential override, of the Senate bills vetoed by the Governor on April 21, 2009.

WHEREAS, this omission is in violation of the clear mandates of the Idaho Constitution and the Rules of the Idaho Senate.

NOW THEREFORE, pursuant to Rule 44, Rules of the Senate we, the undersigned Senators, do respectfully submit this Protest objecting to the actions and circumstances described above.

Dated this 22nd day of April, 2009.

/s/ Senator Kate Kelly, Minority Leader

/s/ Senator Elliot Werk, Assistant Minority Leader

/s/ Senator Les Bock, Minority Caucus Chair

On motion by Senator Davis, seconded by Senator Kelly, by voice vote, the Senate adjourned at 2:20 p.m. until the hour of 10 a.m., Thursday, April 23, 2009.

ROBERT L. GEDDES, President Pro Tempore

Attest: JEANNINE WOOD, Secretary